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16 FIREEYE, INC.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 OAKLAND DIVISION

20 FINJAN, INC., a Delaware Corporation,

21 Plaintiff,

22 v.

23 FIREEYE, INC., a Delaware Corporation,

24 Defendant.

CASE NO. CV 13-CV-03133 (SBA)

**[PROPOSED] ORDER GRANTING
DEFENDANT FIREEYE, INC.'S NOTICE
OF MOTION AND MOTION FOR STAY
OF THE CASE PENDING
REEXAMINATION OF UNITED STATES
PATENT NOS. 7,058,822, 7,647,633 AND
8,079,086**

Date: November 12, 2013
Time: 1:00 p.m.
Dept.: Courtroom 1 - 4th Floor
Judge: Honorable Sandra B. Armstrong

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2 Having considered the papers submitted and arguments presented in support of and in
3 opposition to FireEye, Inc.'s Motion for Stay of the Case Pending Reexamination of United
4 States Patent Nos. 7,058,822, 7,647,633 and 8,079,086 ("Motion to Stay"), IT IS HEREBY
5 ORDERED that FireEye's Motion to Stay is GRANTED.

6 Staying this case pending reexamination of the Reexam Patents will promote judicial
7 economy and simplify the issues in this case and will not unduly prejudice Finjan, Inc. ("Finjan").
8 *See, e.g., Ho Keung Tse v. Apple Inc.*, 2007 WL 2904279 at *2 (N.D. Cal. 2007) (Armstrong, J.).
9 A stay of the case at this early stage of the litigation will permit the Court and the parties to
10 benefit from the United States Patent and Trademark Office's ("PTO") initial guidance on the
11 invalidity issue.

12 This case shall be stayed until the PTO either denies the reexamination requests, issues its
13 final office action or issues a reexamination certificate. At that time, the Court and the parties
14 shall determine whether a further stay is warranted.

15
16 IT IS SO ORDERED.

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19 Dated: _____, 2013

SAUNDRA B. ARMSTRONG
United States District Court Judge